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AMARAVATI, SATURDAY, JUNE 25, 2022

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NOTIFICATIONS BY GOVERNMENT

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HEALTH, MEDICAL AND FAMILY WELFARE DEPARTMENT
(B2)

THE MENTAL HEALTH CARE ACT, 2017(ACT NO.10 OF 2017) - STATE MENTAL HEALTH AUTHORITY- FRAMING OF THE MENTAL HEALTHCARE (ANDHRA PRADESH STATE MENTAL HEALTH AUTHORITY) RULES, 2022.

[G.O.Ms.No.133, Health, Medical and Family Welfare (B2), 16th June, 2022.]

NOTIFICATION

In exercise of the powers conferred by the proviso to sub-section (2) of Section 121 of the Mental Healthcare Act, 2017(Act. No.10 of 2017), the Government of Andhra Pradesh with the previous approval of the Central Government, hereby makes the following rules:

CHAPTER-I
Preliminary

1. Short title, extent and commencement-

- (1) These rules may be called the Mental Healthcare (Andhra Pradesh State Mental Health Authority) Rules, 2022.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—

(1) In these rules; unless the context otherwise requires—

- (a) "Act" means the Mental Healthcare Act, 2017;
- (b) "Form" means a Form appended to these rules;
- (c) 'De-addiction facility' or called by any other name means a place 'which qualifies the definition of Mental Health Establishment as per Section 2(p) Mental Healthcare Act, 2017 and where persons Diagnosed to have abuse or dependence on alcohol and/or other drugs are treated and cared for.
- (d) "Non-official member" means a member of the State Authority nominated under clauses (g) to (n). of sub-section (1) of section 46 of the Act;
- (e) "rules" means rules of the State Mental Health Authority of Andhra Pradesh
- (f) "Section" means section of the Act.

(2) The words and expressions used herein and not defined, but defined in the Act or, as the case maybe, in the Indian Medical Council Act, 1956 (102 of 1956) or in the Indian Medicine Central Council Act, 1970 (48 of 1970), in so far as they are not inconsistent with the provisions of the Act, shall have the meanings as assigned to them in the Act or, as the case may be, in those enactments.

CHAPTER II STATE MENTAL HEALTH AUTHORITY

3. The State Authority shall consist of the following chairperson and members:—

- (a) Secretary or Principal Secretary in the Department of Health of State Government--chairperson ex officio;
- (b) Joint Secretary to Govt. of Andhra Pradesh State, Department of Health and Family Welfare, in charge of Mental Health--member ex officio;
- (c) Director of Medical Education--member ex officio;
- (d) Joint Secretary in the Department of Social Welfare of the State Government—member ex officio;
- (e) Other ex officio representatives will be from the Departments of Home, Finance and Law (not below the rank of Deputy Secretary),***

The Member Secretary, High Court Legal Services Authority,

**Amaravati to be ex-officio members of State Authority under clause (e) of sub-section (1) of section 46.

- (f) The Superintendent, Government Hospital for Mental Care, Visakhapatnam.

** The Chief Executive Officer of the State Mental Health Authority will be the Commissioner of Health or ***Mission Director or the Directorate of Medical Education (Not below the rank of Dy. Secretary)

4. Norms for selection of non-official members of State Authority- A person shall not be selected as a non- official member of State Authority unless, he-

- (a) is an Indian National;
- (b) is of the age not exceeding sixty-seven years;
- (c) possesses qualification and experience as specified in rule5.

5. Qualification and experience of non-official members of State Authority-

(1) The State Government shall nominate one person who is an eminent psychiatrist as a member of the State Authority under clause (g) of sub-section (1) of section46.

(2) The State Government shall nominate one mental health professional, one psychiatric social worker, one clinical psychologist and one mental health nurse/psychiatric nurses, having a minimum of fifteen years' experience in their respective fields and registered as mental health professionals with the State

Authority, as members of the State Authority respectively under clauses (h), (i), (j) and (k) of sub-section (1) of section46.

(3) The State Government shall nominate two persons each from the following categories as members of the State Authority respectively under clauses (l), (m) and (n) of sub-section (1) of section 46, namely:-

- (a) Two persons representing persons who have or have had mental illness;
- (b) Two persons representing care-givers of persons with mental illness or organizations representing care-givers and.
- (c) Two persons representing non-governmental organizations which provide services to persons with mental illness.

6. Invitation of application for the posts of non-official members of State Authority - A vacancy for the post of non-official member of the State Authority shall be given wide publicity through open advertisement in at least two daily newspapers (one English and one local language) having wide circulation in the State and the advertisement shall also be made available on the website of the Department of Health and Family Welfare.

7. Selection Committee for nomination of non-official members of State Authority. The Selection Committee for nomination of non-official members of the State Authority shall consist of a Chairperson who shall be the Chairperson of the State Authority, and two independent experts of eminence in the field of Mental Health Care to be nominated by the State government.

8. Procedure for nomination of non-official members of State Authority.

(1) The Selection Committee constituted under rule 7 (above) shall consider all applications received by the Department and scrutinize such applications which fulfill the requirements of section 46 and rules 4 and 5.

(2) The Selection Committee shall, having regard to the provisions of the Act and these rules, decide about the suitability of the applicants for being selected as members of the State Authority: Provided that in case of persons to be nominated under sub-rule (3) of rule 5, preference shall be given to the persons with ten years of experience in dealing with persons with mental illness.

(3) The State Government shall nominate the persons selected by the Selection Committee as members of the State Authority.

9. Terms of office and allowances of non-official members of State Authority.-

(1) Every non-official member nominated under rule 8 shall hold his office for a term of three years at a time from the date of his nomination.

(2) Every non-official member attending the meeting of the State Authority shall be entitled to sitting allowance, travelling allowance, daily allowance and such other allowances as are applicable to non-official members of the Commissions and Committees of the State Government attending the meeting of such Commission or Committee.

10. Furnishing of information- The State Government may call for information concerning the activities of the State Authority or the Board periodically or as and when required by it and the State Authority or the Board, as the case may be, shall furnish such information in **Form-A**.

11. The Chief Executive Officer of the State Mental Health Authority will be the Commissioner of Health or *** Mission Director from the Directorate of Medical Education not below the rank of Dy. Secretary.

12. State Mental Health Authority promote Community Mental Health Care and use more innovative programmes to endeavour adolescent and clinical Mental Health (30 Section of Chapter VI of Mental Health Care Act)

13. All State Universities to start academic courses pertaining to M.Phil Clinical Psychology and M.Phil in Psychiatric Social Work. (31 Section of Chapter VI of Mental Health Care Act)

CHAPTER III

PROVISIONAL REGISTRATION OF MENTAL HEALTH ESTABLISHMENTS BY STATE AUTHORITY

14. Procedure for provisional registration of mental health establishments by State Authority-

(1) Every mental health establishment in a State, except the mental health establishment under the Control of the Central Government, shall be registered with the State Authority.

- (2) Every mental health establishment referred to in sub-rule (1) shall submit an application for provisional registration to the State Authority in Form-B, containing details as specified there in, along with a fee of **rupees twenty thousand by way of a demand draft drawn in favour of Chairperson, State Mental Health Authority** payable at the place where the State Authority is situated.

- (3) The State Authority shall, on being satisfied that the mental health establishment fulfils all the requirements as specified in sections 65 and 66, grant to such mental health establishment, a provisional registration certificate in Form-C.

15. Validity and renewal of certificate of registration - The provisional registration certificate granted under sub-rule (3) of rule 11 shall be valid for a period of twelve months from the date of such grant and an application for renewal of such certificate shall be made in Form-B within thirty days before the date of expiry of the period of validity of such certificate and in case application is not made within the specified period, the mental health establishment concerned shall be liable **to pay renewal fee of rupees five thousand by way of a demand draft drawn in favour of Chairperson, State Mental Health Authority**, payable at the place where the State Authority is situated.

16. Issue of duplicate certificate - Where a certificate of registration granted to a mental health establishment is destroyed or lost or mutilated or damaged, the State Authority may issue a duplicate certificate on an application made by such establishment along with **a fee of rupees two thousand by way of a demand draft drawn in favor of Chairperson, State Mental Health Authority**, payable at the place where the State Authority is situated.

17. Process for Permanent Registration:

The State Mental Health authority of Andhra Pradesh state will adopt the minimum standards for mental health establishments category wise, as notified by the Central Mental Health Authority with appropriate modifications.

Till that period, it shall issue a provisional certificate of registration to the mental health establishment.

1. After specifying the minimum standards for different categories of mental health establishments, the mental health establishment referred to in the first proviso shall, within a period of six months from the date such standards are specified, submit to the authority an undertaking stating therein that such establishments fulfils the specified minimum standards and on being satisfied that such establishment fulfils the minimum standards, the Authority shall issue a certificate of registration to such mental health establishment.

Explanation:1 In case a mental health establishment has been registered under Mental Health Act – 1987 or the clinical establishments (Registration and regulation) Act 2010 (23 of 2010) or Andhra Pradesh Private medical care establishments act 2002 or any other law for the time being in force in a state, such mental health establishment shall submit a copy of the said registration along with an application in such form, as may be prescribed to the authority with an undertaking that the Mental health establishment

fulfill the minimum standards, if any, specified by the authority for the specific category of Mental health establishment. State Mental Health Authority (SMHA) should recommend replacing the term Mental Health Act – 1987 with Mental Health Care Act –2017.

Explanation 2: The private Psychiatric establishments which cater their services exclusively for the treatment of persons with mental illness and registered and regulated under the Mental Health Care Act – 2017 are not required to register under Andhra Pradesh Private Medical Care Establishments Act 2002.

The provision is to avoid duplication of control.

18. All Mental health professionals who are not registered for Mental Health establishments under Mental Health Care Act shall register with State Mental Health Authority if they practice ECT in their clinics and the registration is free.

19. Maintenance of digital register-

(1) A category-wise register in Form-D of all registered mental health establishments shall be maintained by the State Authority in digital format in accordance with the provisions of section 71 and 55.

(2) A category-wise register in Form-E of all registered mental health professionals shall be maintained by the State Authority in digital format in accordance with the provisions of section 55 (1), (d).

(3) Form-F for application for Registration of Mental Health Professionals along with a fee of rupees one thousand by way of a demand draft drawn in favour of Chairperson, State Mental Health Authority payable at the place where the State Authority is situated.

- All Mental Health Professionals who are not registered for Mental health establishments under Mental Health Care Act shall register with State Mental Health Authority if they practice ECT in their clinics with no additional registration fee

(4) Form-G is the format for registration certificate issued to the professionals by the State Mental Health Authority. The registration certificate issued, is subject to the conditions laid down in the Mental Healthcare Act, 2017 and the rules and regulations made there under and shall be valid for a period of ten years from the date of its issue and can be renewed before one month of the expiry with the prescribed fee.

CHAPTER.IV FINANCE, ACCOUNTS AND AUDIT

20. Accounts and audit of State Authority-

- (1) The State Authority shall maintain accounts of its income and expenditure relating to each year and prepare an annual statement of accounts consisting of income and expenditure account and the balance sheet.

(2) Annual statement of accounts shall be submitted for audit not later than 30th June each year in the common accounting format prescribed from time to time by the Ministry of Finance for the central autonomous bodies or as nearer thereto as the circumstances admit.

(3) The annual statement of accounts prepared under sub-rule (1) shall be signed on behalf of the State Authority by the officer in-charge of accounts and the Chief Executive Officer and shall be approved by the State Authority.

21. Annual report of the State Authority.–

(1) The State Authority shall prepare its annual report in **Form-H** and forward it to the State Government within nine months of the end of the financial year for being laid before each House of State Legislature.

(2) The annual report shall give a full account of the activities of the State Authority during the previous year and shall include the audited accounts of the year and the report of the Comptroller and Auditor General of India thereon.

CHAPTER V

AUDIT, INSPECTION AND ENQUIRY OF MENTAL HEALTH ESTABLISHMENTS

22. Audit of mental health establishments–

(1) The State Authority shall, for the purpose of conducting audit of registered mental health establishments in the State, authorize one or more of the following persons to ensure that such mental health establishments. comply with the minimum standards specified under the Act, namely:-

(a) a representative of the District Collector or District Commissioner of the district here the mental health establishment is situated;

(b) representative of the State Human Rights Commission of the State where the mental health establishment is situated;

(c) a psychiatrist who is in Government service;

(d) a psychiatrist who is in private practice;

(e) mental health professional who is not a psychiatrist;

(f) a representative of a non-governmental organization working in the area of mental health;

(g) representatives of the care-givers of persons with mental illness or organizations representing care-givers ; and

(h) representatives of the persons who have or have had mental illness.

(2) For conducting audit of registered mental health establishment, the State Authority shall charge **a fee of rupees ten thousand as per APSMHA by way of**

a demand draft drawn in favour of Chairperson, State Mental Health Authority payable at the place where the Authority is situated. (The audit should be conducted once in three years as per Section 67, sub section (1) & (2))

23. Inspection and inquiry of mental health establishments-

(1) The State Authority may, suo-moto or on a complaint received from any person with respect to non-adherence of minimum standards specified by or under the Act or contravention of any provision thereof, order an inspection and inquiry of any mental health establishment, to be made by one or more of the following persons, namely:-

(a) a psychiatrist in Government service;

(b) a psychiatrist in private practice;

(c) a mental health professional who is not a psychiatrist;

(d) a representative of a Non-governmental organization working in the area of mental health;

(e) a police officer in charge of the police station under whose jurisdiction, the mental health establishment is situated;

(f) a representative of the District Collector or District Commissioner of the district where the mental health establishment is situated.

(2) The State Authority or the person authorized by it under sub-rule (1), if it has reasons to, believe that a person is operating a mental health establishment without registration or is not adhering to the minimum standards specified by or under the Act or has been contravening any of the provisions, of the Act or the rules and regulations made there under, enter and search such mental health establishment.

(3) During search, the State Authority or the person authorized by it may require the mental health professional in charge of the mental health establishment to produce the original documents relating to its registration with the State Authority and it shall be obligatory on the part of the mental health establishment to, produce such documents.

(4) Within two days of completing search of the mental health establishment under sub-rule (3), a written report of the findings of such search shall be submitted to the Chairperson of the Authority.

(5) The Chairperson of the State Authority, shall, on receipt of the written report under sub-rule (4), take such action as it deems fit, against the defaulting mental health establishment in accordance with the provisions of the Act.

CHAPTER-VI

24. Qualification of Mental Health Professionals:

(1). "psychiatrist" means a medical practitioner possessing a post-graduate degree or diploma in psychiatry awarded by an university recognized by the University Grants Commission established under the University Grants Commission Act, 1956, or awarded or recognized by the National Board of Examinations and included in the First Schedule to the Indian Medical Council Act, 1956, or recognized by the Medical Council of India, constituted under the Indian Medical Council Act, 1956, or any medical officer who has (a) completed a Degree or a Diploma in mental health conducted by an Institute of National Importance shall be recognized as a psychiatrist (b) The designation holds true only till the during or tenure in the government service for the purpose of act.

(2). "Clinical psychologist" means a person--(i) having a recognised qualification in Clinical Psychology from an institution approved and recognised, by the Rehabilitation Council of India, constituted under section 3 of the Rehabilitation Council of India Act, 1992; or (ii) having a Post-Graduate degree in Psychology or Clinical Psychology or Applied Psychology and a Master of Philosophy in Clinical Psychology or Medical and Social Psychology obtained after completion of a full time course of two years which includes supervised clinical training from any University recognised by the University Grants Commission established under the University Grants Commission Act, 1956 and approved and recognised by the Rehabilitation Council of India Act, 1992 Rehabilitation Council of India Act, 1992 or any psychologist who has completed a degree or a Diploma in mental health conducted by Institute of National Importance shall be recognized as a Clinical Psychologist when employed in Government Service for the purpose of act.

(3). "Psychiatric social worker" means a person having a post-graduate degree in Social Work and a Master of Philosophy in Psychiatric Social Work obtained after completion of a full time course of two years which includes supervised clinical training from any University recognised by the University Grants Commission established under the University Grants Commission Act, 1956 or such recognised qualifications, or any person who has completed a degree or a diploma in mental health conducted by institute of national importance shall be recognized as a Psychiatric Social Worker when employed in Government Service for the purpose of act.

(4). "Mental health nurse" or "Psychiatric Nurse" means a person with a diploma or degree in general nursing or diploma or degree in psychiatric nursing recognised by the Nursing Council of India established under the Nursing Council of India Act, 1947 and registered as such with the relevant nursing council in the State;

CHAPTER-VII

25. Maintenance of online Registers:

(1). To fulfill the obligations of the Act, the Authority shall issue periodic regulations or notifications with regards to creating and operating online register of mental health professionals, advanced directives, mental health establishment etc. by taking into account prevailing laws, standards, guidelines, standard operating procedures, rules and regulations for such online databases or portal from time to time.

(2). All Mental health establishments and Mental health professionals shall abide by the rules of this section for maintenance of online registers

Form- A

See rule 10

INFORMATION ON THE ACTIVITIES OF THE STATE AUTHORITY/ BOARD

1. New Regulations notified:
2. Number of orders passed during the year:
3. Meetings held during the year:
4. Number and details of mental health establishments under the control of the State Government:
5. Number and details of mental health establishments in the State or Union Territory:
6. Registration of mental health professionals by the State Authority:
7. Statement on references received from the Central Government and the State Government and action taken thereon:
8. Quality and service provision norms for different types of mental health establishments under the State Government:
9. Training imparted to persons including law enforcement officials, mental health professionals and other health professionals about the provisions and implementation of the Mental Healthcare Act, 2017:
10. Applications for registration of mental health establishments received, accepted and rejected along with reasons for such rejection:
11. Audit of Mental Health Establishments along with audit reports:
12. Complaints received regarding violation of rights of Mentally ill persons and action taken thereon
13. Details regarding guidance document for medical practitioners and mental health professionals
14. Number of cases registered regarding Sexual Harassment of Women at Workplace under section 22 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and details thereof:
15. Details of inspection and inquiry of Mental Health Establishments:
16. Number of appeals to High Court against order of Authority and status thereof:
17. Complaints received regarding deficiencies in provision of services and action taken thereon:

18. Stakeholders Consultations:
19. Inquiry initiated by the Authority/Board:
20. Administration and establishment matters
21. Budget and Accounts with details including balance sheet, income and expenditure account, etc.:
22. Any other matter which may be relevant:

Form-B

[See rules 11(2) and 12]

**APPLICATION FOR GRANT OF PROVISIONAL REGISTRATION,
**PERMANENT, RENEWAL OF PROVISIONAL REGISTRATION OF A MENTAL
HEALTH ESTABLISHMENT**

To,
The Mental Health Authority,
The Department of Health, Medical & Family Welfare,
Government of Andhra Pradesh.
Amaravati ***

Dear Sir/ Madam,

I/we intend to apply for grant of provisional registration/ permanent registration/ renewal of provisional registration for the Mental Health Establishment namely.....of which I am/we are holding a valid license /registration for the establishment/ maintenance of such hospital / nursing home. Details of the hospital/nursing home are given below:

1. Name of applicants
2. Details of license with reference to the name of the authority issuing the license and date:
3. Age:
4. Professional experience in Psychiatry:
5. Permanent address of the applicant:
6. Location of the proposed **Mental Health Establishment
7. Address of the proposed**MHE
8. Proposed accommodations:
 - (a) Number of rooms:
 - (b) Number of beds:
 - (c) Facilities provided:

- (d) Out-patient:
- (e) Emergency services:
- (f) In-patient facilities:
- (g) Occupational and recreational facilities:
- (h) ECT facilities (n X-Ray facilities):
- (i) Psychological testing facilities;
- (j) Investigation and laboratory facilities:
- (k) Treatment facilities

Staff Pattern

- a. Number of doctors:
- b. Number of nurses:
- c. Number of attendees:
- d. others:

I am herewith sending a bank draft for Rs.....drawn in favour of **Chairperson, State Mental Health Authority** as application fee.

I hereby undertake to abide by the rules and regulations of the Mental Health Authority.

I request you to consider my application and grant the license for establishment/maintenance of psychiatric hospital/nursing home.

Yours faithfully

Signature
Name
Date

Form- C

[See rule 11(3)]

CERTIFICATE OF PROVISIONAL REGISTRATION/ RENEWAL OF PROVISIONAL REGISTRATION

The State Authority, after considering the application dated..... submitted by..... under section 65 (2) or section 66 (3) or section 66(10) of the Mental Healthcare Act, 2017, hereby accords provisional registration/renewal of provisional registration to the applicant mental health establishment in terms of section 66 (4) or section 66 (11), as per the details given hereunder:

FORM-E**See Sec55(1)(d)****Register of Mental Health Professionals
(in digital format)**

Separate table for each category of mental health professionals

Category of Mental Health Professionals -----

S.No	Full Name & Address of the applicant	Degree/PG	RCI/NCI/Others	Place of practice/Work	Contact Number/Email	Remarks

*The Psychiatric Social Workers will be registered as per the Mental healthcare Act, 2017 prescription

Form-F**[See rules 14(3)]****APPLICATION FOR GRANT OF REGISTRATION / RENEWAL OF
REGISTRATION OF A MENTAL HEALTH PROFESSIONAL**

To,
The Mental Health Authority,
The Department of Health & Family Welfare,
Government of Andhra Pradesh
Amaravati**

Dear Sir/ Madam,

I intend to apply for grant of registration/ renewal of registration for the Mental Health Professionals namely

1. Name of applicants

2. Details of Registration of qualifying degree in respective specialties* (RCI / NCI)
(copy attached):

3. Age:
4. Professional experience in Psychiatry:
5. Permanent address of the applicant:
6. Location/s of the Practice:
7. Qualifications (copies attached):

I am herewith sending a bank draft for Rs..... drawn in favour of **Chief Executive Officer, State Mental Health Authority** as application fee.

I hereby undertake to abide by the rules and regulation of the Mental Health Authority.

I request you to consider my application and grant the registration for the Mental Health Professional to practice in Andhra Pradesh State.

Yours faithfully

Signature
Name
Date

* This is not applicable for Psychiatric Social Worker

Form- G
[See rule 16(4)]

CERTIFICATE OF REGISTRATION/ RENEWAL OF MENTAL HEALTH PROFESSIONALS

The State Authority, after considering the application dated.....submitted byunder section 55 (1) (d) of the Mental Healthcare Act, 2017, hereby accords registration/renewal of registration to the applicant, as mental health professionals category.....

Registration No:.....

Name:.....

Address:.....

The registration certificate issued, is subject to the conditions laid down in the Mental Healthcare Act, 2017 and the rules and regulations made there under and shall be valid for a period of **ten years** from the date of its issue and can be renewed.

Place
Date

Registration Authority

Seal of the Registration Authority

Form-H
[See rule 16 (1)]
Annual Report of State Authority

1. Introduction
2. Profile of the Authority's Members
3. Scope of Regulation
4. New Regulations/procedures etc. notified/issued
5. Orders passed by the Authority
6. Meetings of the State Mental Health Authority held during the year
7. Mental health establishments under the control of the State Government
8. Mental health establishments in the State
9. Registration of mental health professionals by the State Authorities
10. A statement on references received from Central and State Governments and action taken thereon.
11. A statement on references sent to the Central and State Governments and action taken thereon by the respective Governments
12. Quality and service provision norms for different types of mental health establishments under the State Government
13. Supervision of mental health establishments under the State Government and action taken on the complaints received about deficiencies in provision of services therein
14. Training imparted to persons including law enforcement officials, mental health professionals and other health professionals about the provisions and implementation of the Mental Healthcare Act, 2017
15. Applications for registration of mental health establishments received, accepted and rejected along with reasons for such rejection.
16. Audit of Mental Health Establishments
17. Complaints received regarding violation of rights of Mentally ill persons and action taken thereon
18. Details regarding guidance document for medical practitioners and mental health professionals
19. Implementation of RTI Act, 2005
20. Details regarding Sexual Harassment of Women at Workplace under Section 22 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
21. Inspection and Inquiry of Mental Health Establishments
22. Appeals to High Court against order of Authority and status thereof
23. Status of review of use of advance directives and recommendations of the Authority in respect thereof.
24. Complaints received about deficiencies in provision of services and action taken thereon.
25. Inquiry initiated by the Authority
26. Administration and establishment matters
27. Annual accounts
28. Any other-matter which in the opinion of the Authority needs to be highlighted.

MUDDADA RAVI CHANDRA,
Principal Secretary to Government.